

EXHIBIT 1

INTRODUCTION

Respondent, Marisela Torres, has served as a member of the City of San Fernando Planning Commission for the past eleven years.

Government Code Section 87200 states that the economic disclosure provisions in Chapter 7, Article 2 of the Political Reform Act (Sections 87201-87210) apply to members of planning commissions. Government Code Section 87203 requires each official specified in Section 87200 to file a statement of economic interests once a year.

In this matter, Respondent failed to file a 1999 annual statement of economic interests by the April 3, 2000 due date.

For purposes of this Default, Respondent's violation of the Political Reform Act (the "Act")¹ is stated as follows:

COUNT 1: As a member of the City of San Fernando Planning Commission, Respondent failed to file a 1999 annual statement of economic interests by April 3, 2000, in violation of Government Code Section 87200.

RESPONDENT: Marisela Torres

THE ADMINISTRATIVE PROCEDURE ACT

Pursuant to the Administrative Procedure Act,² a respondent is entitled to a hearing on the merits "if the Respondent files a Notice of Defense within 15 days after service" of the Accusation. (Government Code Section 11506.) The Administrative Procedure Act further provides that a respondent's failure to file a Notice of Defense constitutes a waiver of the respondent's right to a hearing. (Government Code Section 11506, subdivision (c).) If the respondent fails to file a Notice of Defense, Government Code Section 11520, subdivision (a), provides that the agency may issue a default decision.

The Accusation in this matter was personally served on Respondent Marisela Torres on July 30, 2001. The proof of service is attached hereto as Exhibit "A." Along with the Accusation, the Enforcement Division served Respondent with a "Statement to Respondent," which notified Respondent that she could request a hearing on the merits and warned her that, unless a Notice of

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All references to "Section(s)" are to the aforementioned Government Code unless otherwise indicated. Commission regulations appear at Title 2, California Code of Regulations, Section 18109, *et seq.*

² The Administrative Procedure Act is found at Government Code Section 11500, *et seq.*

Defense was submitted within fifteen days of service of the Accusation, Respondent would be deemed to have waived her right to a hearing.

More than fifteen days have now elapsed, and Respondent has not filed a Notice of Defense.

SUMMARY OF THE LAW

An express purpose of the Political Reform Act, as set forth in Government Code Section 81002, subdivision (c), is to ensure that the assets and income of public officials, which may be materially affected by their official actions, be disclosed, so that conflicts of interest may be avoided.

Government Code Section 87200 states that the economic disclosure provisions in Chapter 7, Article 2 of the Political Reform Act (Sections 87201-87210) apply to members of planning commissions. Government Code Section 87203 requires each official specified in Section 87200 to file a statement of economic interests once a year.

SUMMARY OF THE FACTS

On or about November 26, 1990, Respondent Marisela Torres assumed office as a member of the City of San Fernando Planning Commission. As a planning commissioner, Ms. Torres was required to file an annual statement of economic interests ("SEI"), covering the 1999 calendar year, by no later than April 3, 2000. Despite multiple contacts by city and Commission staff, Ms. Torres has still failed to file this annual SEI.

Ms. Torres was provided with multiple reminders regarding her responsibility to file a statement of economic interests:

1. On January 28, 2000, City Clerk Wilma Miller sent SEI filing information to Respondent Marisela Torres, along with the required forms.
2. On April 14, 2000, City Clerk Wilma Miller sent a letter to Respondent Marisela Torres, reminding her about the 1999 statement of economic interests that was due on April 3, 2000.
3. On June 27, 2000, Bonita Kwong of the Fair Political Practices Commission's Technical Assistance Division sent a letter to Respondent Marisela Torres, reminding her about the 1999 statement of economic interests that was due on April 3, 2000.
4. On July 27, 2000, Bonita Kwong of the Fair Political Practices Commission's Technical Assistance Division sent another letter to Respondent Marisela Torres, reminding her about the 1999 statement of economic interests that was due on April 3, 2000.
5. On August 25, 2000, Investigator William Motmans, Jr. of the Fair Political Practices Commission's Enforcement Division telephoned Respondent Marisela

Torres and reminded her about the 1999 statement of economic interests that was due on April 3, 2000.

6. On November 3, 2000, Senior Commission Counsel Mark R. Soble sent a letter to Respondent Marisela Torres, reminding her about the 1999 statement of economic interests that was due on April 3, 2000.
7. On March 1, 2001, Investigator William Motmans, Jr. of the Fair Political Practices Commission's Enforcement Division telephoned Respondent Marisela Torres' place of employment and left a message requesting her to contact him.
8. On July 30, 2001, a process server personally served Respondent Marisela Torres with the Accusation and other required documents, as well as a copy of the Form 700, 1999-2000, Statement of Economic Interests Manual.

As of September 12, 2001, Ms. Torres still has not filed her 1999 annual SEI, which means that the SEI filing is already over seventeen months late.

Additional Information

Prior to the violation described in this Exhibit, Respondent had a fairly good track record of timely filing her planning commission SEIs. A chart displaying Respondent's SEI filing history is shown below:

Annual SEI for 1991	Due on 4/1/92	Filed on 4/1/92
Annual SEI for 1992	Due on 4/1/93	Filed on 3/31/93
Annual SEI for 1993	Due on 4/1/94	Filed on 2/28/94
Annual SEI for 1994	Due on 4/3/95	Filed on 4/3/95
Annual SEI for 1995	Due on 4/1/96	Filed on 4/2/96
Annual SEI for 1996	Due on 4/1/97	Filed on 4/9/97
Annual SEI for 1997	Due on 4/1/98	Filed on 4/2/98
Annual SEI for 1998	Due on 4/1/99	Filed on 3/31/99
Annual SEI for 1999	Due on 4/3/2000	Still not filed

When interviewed by Investigator Motmans on August 25, 2000, Respondent admitted receiving all of the notices regarding her 1999 SEI that had been sent to her prior to that date, and being aware of her filing obligation. Respondent alleged that her husband had recently had a heart attack. She further alleged that her father has Alzheimer's disease and that she is the primary caretaker for her disabled mother. On this occasion, however, Respondent also told Investigator Motmans that she would send her 1999 SEI and an explanation for its late filing to the Commission as soon as possible. However, Respondent has failed to do this.

According to planning commission minutes, from April 3, 2000 to the present, Respondent has attended five planning commission meetings, specifically meetings on July 6, 2000, October 24, 2000, November 21, 2000, February 6, 2001, and May 8, 2001.

CONCLUSION

This matter consists of one count of violating Section 87200, which carries a maximum administrative penalty of Two Thousand Dollars (\$2,000.00). In consideration of Respondent's past history of timely SEI filings and her tragic personal circumstances, this matter was not treated in the typical expedited manner and additional compliance efforts were attempted. Notwithstanding these efforts, Respondent has still failed to file her annual SEI that was due over seventeen months ago.

The facts of the case, specifically that Respondent has failed to file her annual SEI covering 1999, despite extraordinary efforts to persuade her to file, justify imposition of a default penalty of Two Thousand Dollars (\$2,000.00).

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)
(916) 322-5660

TELEPHONE NO.:

FOR COURT USE ONLY

FAIR POLITICAL PRACTICES COMMISSION

428 J. STREET

SACRAMENTO CA 95812-0807

P.O. BOX 807

ATTORNEY FOR (Name): PLAINTIFF

Ref. No. or File No.:
2000/576

Insert name of court and name of judicial district and branch court if any:

SHORT TITLE OF CASE:

IN RE: MARISELA TORRES

PROOF OF SERVICE

DATE:

TIME:

DEPT./DIV.:

CASE NUMBER:

00/576

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the (specify documents):
SEE ATTACHED LIST OF DOCUMENTS.

2. a. Party served (specify name of party as shown on the documents served):
MARISELA M. TORRES

b. Person served: ☒ party in item 2a: ☐ other (specify name and title or relationship to the party named in item 2a):

c. Address: 722 S. BRAND BLVD., SAN FERNANDO, CA 91340

3. I served the party named in item 2

a. ☒ by personally delivering the copies (1) on (date): 7/28/01 (2) at (time): 10:20 AM

b. ☐ by leaving the copies with or in the presence of (name and title or relationship to the party named in item 2b):

(1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person served. I informed him or her of the general nature of the papers

(2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the person I served. I informed him or her of the general nature of the papers

(3) on (date): (4) at (time):

(5) ☐ A declaration of diligence is attached. (Substituted service on natural person, minor, conservatee, or candidate.)

c. ☐ by mailing the copies to the person served, addressed as shown in item 2c, by first-class mail, postage prepaid,

(1) on (date): (2) at (city):

(3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me:

(4) ☐ to an address outside California with return receipt requested.

(Attach completed form.) →

d. ☐ by causing copies to be mailed. A declaration of mailing is attached.

e. ☐ other (specify other manner of service and authorizing code section):

4. The "Notice to the Person Served" (on the summons) was completed as follows:

a. ☐ as an individual defendant.

b. ☐ as the person sued under the fictitious name of (specify):

c. ☐ on behalf of (specify):

under ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (individual)

5. Person serving (name, address and telephone No.):



INSTANT PROCESS SERVICE

714 W. OLYMPIC BLVD., STE. 1104

LOS ANGELES, CA 90015

TEL: (213) 746-5968

4568

a. Fee for service: \$35.00

b. ☐ Not a registered California process server.

c. ☐ Exempt from registration under B&P § 22350(b).

d. ☒ Registered California process server.

(1) ☐ Employee or independent contractor

(2) Registration No.: 2627/L.A. CNTY.

(3) County

6. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

7. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

Date: 7/30/2001 H. PALACIO

(SIGNATURE)

PROOF OF SERVICE

EXHIBIT # A

IN RE: MARISELA TORRES

Code Civ. Proc. § 4117.10(f)

ATTACHMENT TO PROOF OF SERVICE

COURT:

CASE NAME: IN RE: MARISELA TORRES

CASE NUMBER: 00/576

The following list of documents was served:

1. STATEMENT TO RESPONDENT AND NOTICE OF HEARING;
2. ORDER RE PROBABLE CAUSE, DATED MARCH 28, 2001 AND PROOF OF SERVICE ORDER RE PROBABLE CAUSE, DATED MARCH 29, 2001;
3. ACCUSATION, DATED JUNE 28, 2001;
4. TWO COPIES OF NOTICE OF DEFENSE;
5. GOVERNMENT CODE SECTIONS 11506, 11507, 11507.5, 11507.6, 11507.711508
6. FORM 700, 1999-2000, STATEMENT OF ECONOMIC INTERESTS MANUAL;
7. FORM 700, 2000-2001, STATEMENT OF ECONOMIC INTERESTS MANUAL.

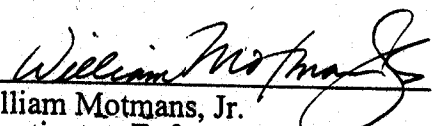
DECLARATION OF WILLIAM MOTMANS, JR.
IN SUPPORT OF DEFAULT DECISION AND ORDER

I, William Motmans, Jr., declare as follows:

1. I am over the age of 18 years, and am not a party to the within action. My business address is 428 "J" Street, Suite # 620, Sacramento, California 95814.
2. I am an Investigator for the Fair Political Practices Commission's Enforcement Division. I was assigned to investigate the allegations that City of San Fernando Planning Commissioner Marisela Torres failed to timely file her annual statement of economic interests that fell due on April 3, 2000. As such, I am familiar with the contents of the file, and can testify as stated herein of my own knowledge.
3. In August, 2000, I was informed by the Commission's Technical Assistance Division that Ms. Torres failed to timely file her annual statement of economic interests due on April 3, 2000.
4. On August 25, 2000, I contacted Marisela Torres by telephone. Ms. Torres indicated that she had received all of the notices regarding her past due statement of economic interests and that she is aware of her obligation. Ms. Torres further stated that she had not yet filed because her husband had recently had a heart attack and that she serves as the primary caretaker for a disabled mother and a father with Alzheimer's Disease. Ms. Torres stated that she would get the statement of economic interests, along with an explanation, to the Commission as soon as possible. No such materials were ever received by the Commission.
5. On March 1, 2001, I left a telephone message at Marisela Torres' work number, but she did not return my call.
6. On September 12, 2001, I communicated with the Commission's Technical Assistance Division and confirmed that Marisela Torres has yet to timely file her annual statement of economic interests that fell due on April 3, 2000.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Dated: September 13, 2001.


William Motmans, Jr.
Investigator, Enforcement Division
Fair Political Practices Commission